

Notice of Allowability	Application No.	Applicant(s)	
	10/796,648	ERNST ET AL.	
	Examiner	Art Unit	
	Zoila E. Cabrera	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/24/06.
2. ☒ The allowed claim(s) is/are 1,8-11,13-16,19-22,25-29,31 and 33-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

DETAILED ACTION

Allowable Subject Matter

1. Claims 1, 8-11, 13-16, 19-22, 25-29, 31, and 33-47 are allowed.

The following is an examiner's statement of reasons for allowance: The allowability of the claims resides, at least in part, that the closest prior art of record **Henly (US 6,611,735)** does not disclose or suggest, alone or in combination the step of:

Regarding independent claim 1, **receiving specification data identifying at least one desired characteristic of the blended plastic material; processing the supply data and the specification data to determine a plurality of different combinations of plastic components that may produce the blended plastic material having the at least one desired characteristic; determining, for at least one combination, a preferred percentage of each of the plastic components of the combination; and reporting at least one selected combination and the corresponding preferred percentages**, in combination with the other elements and features of the claimed invention.

As for independent claim 25, **receiving presumed plastic component data identifying at least one plastic component presumed to be included in the blended plastic material; processing the supply data, the presumed plastic component data and the specification data to determine a plurality of different combinations of one or more plastic components and the at least one plastic component identified by the presumed plastic component data to produce the blended plastic material having the at least one desired characteristic;**

determining, for each combination, a preferred percentage of each of the plastic components of the combination and a cost associated with the combination; and reporting at least one selected combination and the corresponding preferred percentages, in combination with the other elements and features of the claimed invention.

As for independent claim 31, **control logic for directing the processor to: process the supply data, the presumed plastic component data and the specification data to determine a plurality of combinations of one or more plastic components and the at least one plastic component identified by the presumed plastic component data to produce the blended plastic material having the at least one desired characteristic; determine, for at least one combination, a preferred percentage of each of the plastic components of the combination and a cost associated with the combination; and report at least one selected combination and the corresponding preferred percentages, in combination with the other elements and features of the claimed invention.**

As for independent claim 33, **receiving presumed plastic component data identifying at least one plastic component presumed to be included in the blended plastic material; processing the supply data, the presumed plastic component data and the specification data to determine a plurality of different combinations of one or more plastic components and the at least one plastic component identified by the presumed plastic component data to produce the blended plastic material having the at least one desired characteristic; and;**

determining, for at least one combination, a preferred percentage of each of the plastic components of the combination and a cost associated with the at least one combination; and reporting at least one selected combination and the corresponding preferred percentages, in combination with the other elements and features of the claimed invention.

As for independent claim 34, 45, 46 receiving specification data identifying at least one desired characteristic of the blended plastic material; processing the supply data and the specification data to determine a plurality of different combinations of plastic components that may produce the blended plastic material having the at least one desired characteristic; determining, for at least one combination, a preferred percentage of each of the plastic components of the combination; and reporting at least one selected combination and the corresponding preferred percentages; and determining, for at least one combination, a second percentage of each of the plastic components of the combination, the second percentage being different from the preferred percentage for the corresponding combination, in combination with the other elements and features of the claimed invention.

As for independent claim 47, control logic for directing the processor to: process the supply data and the specification data to determine a plurality of different combinations of plastic components that may produce the blended plastic material having the at least one desired characteristic; determine, for at least one combination, a preferred percentage of each of the plastic components

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of the combination; determine, for at least one combination, a second percentage being different from the preferred percentage for the corresponding combination; and report at least one selected combination and the corresponding preferred percentages, in combination with the other elements and features of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zoila E. Cabrera whose telephone number is 571-272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

Zoila Cabrera
Primary Examiner
August 18, 2006

